DISTRICT OF COLUMBIA

OFFICIAL CODE

2001 EDITION

Volume 17

Title 32

Labor

to

Title 34

Public Utilities

JUNE 2013 SUPPLEMENT

LexisNexis®

5443010

ISBN 978-0-7698-6591-1 (Volume 17)

ISBN 978-0-7698-6495-2 (Set)

Matthew Bender & Company, Inc.
701 East Water Street, Charlottesville, VA 22902
www.lexisnexis.com
Customer Service: 1-800-833-9844

(Pub.45948)

COUNCIL OF THE DISTRICT OF COLUMBIA

Phil Mendelson, *Chairman*

Yvette M. Alexander
Marion Barry
Anita Bonds
Muriel Bowser
David A. Catania
Mary M. Cheh
Jack Evans
Jim Graham
David Grosso
Kenyan R. McDuffie
Vincent B. Orange, Sr.
Tommy Wells

OFFICE OF THE GENERAL COUNSEL

Under Whose Direction This Volume Has Been Prepared

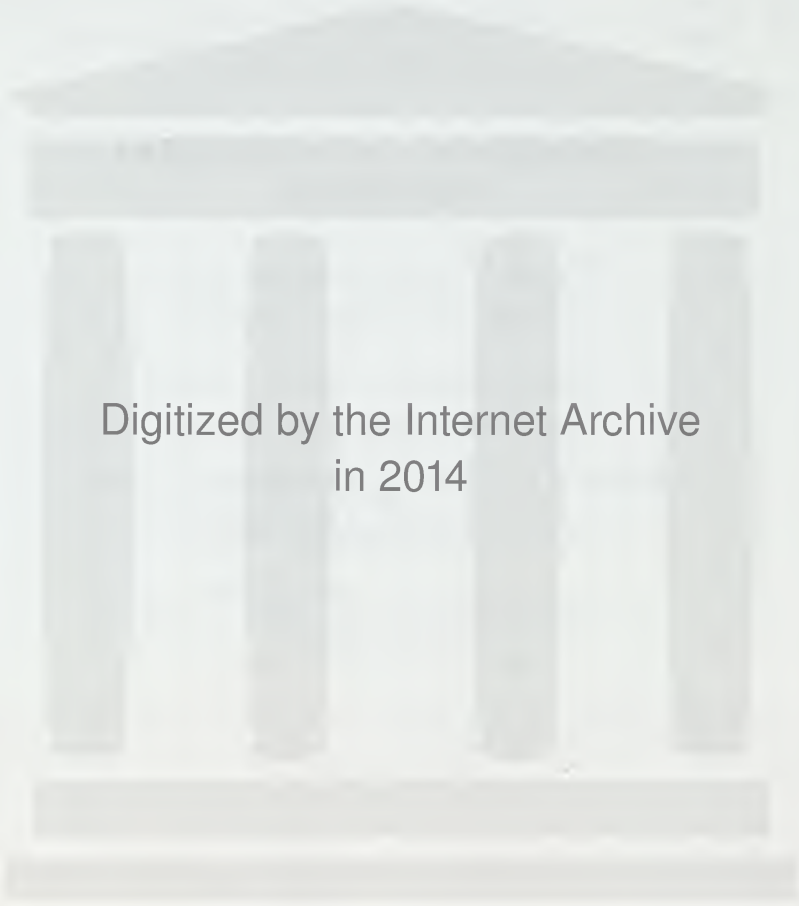
V. David Zvenyach, *General Counsel*

John Hoellen, *Legislative Counsel*

Benjamin F. Bryant, Jr., *Codification Counsel*

Karen R. Barbour, *Legal Assistant*

*



PREFACE

These annual cumulative pocket parts update the District of Columbia Official Code, 2001 Edition, with permanent, temporary, and emergency legislation and judicial constructions contained in annotations. These pocket parts contain the Laws, general and permanent in their nature, relating to or in force in the District of Columbia (except such laws as are of application in the General and Permanent Laws of the United States) in effect as of April 1, 2013.

This Supplement also updates the D.C. Code annotations by including notes taken from District of Columbia cases appearing in the following sources: Atlantic Reporter, 3d Series Supreme Court Reporter Federal Reporter, 3d Series Federal Supplement, 2d Series Bankruptcy Reporter.

Current legislation between pamphlets or pocket parts can be accessed online at www.lexisnexis.com/advance, www.lexisnexis.com/research, and http://dcclims1.dccouncil.us/lims.

The unannotated District of Columbia Official Code can be accessed on the District of Columbia Council Website at http://www.dccouncil.us.

Later laws and annotations will be cumulated in subsequent annual Pocket Parts.

Visit our website at http://www.lexisnexis.com for an online bookstore, technical support, customer service, and other company information.

For further information or assistance, please call us toll-free at (800) 833-9844, fax us toll-free at (800) 643-1280, email us at customer.support@lexisnexis.com, or write to: D.C. Editor, LexisNexis, 701 East Water Street, Charlottesville, VA 22902-5389.

June, 2013 LexisNexis

DIVISION V. LOCAL BUSINESS AFFAIRS.

TITLE 32. LABOR.

Chapter
7C. Job Training and Adult Education Programs Quarterly Reports.
10. Minimum Wages.
13C. Prohibition on Discrimination against the Unemployed.
15. Workers' Compensation.

Chapter 5. Family and Medical Leave.

§ 32-501. Definitions.

Section references. — This section is referenced in § 2-1411.03, § 32-131.01, and § 32-131.04.

CASE NOTES

Eligible employee.
Employee spent less than 50% of his time working in the District of Columbia, and therefore, was not an employee eligible for coverage under the District of Columbia Family Medical Leave Act (DCFMLA), where he spent periods of time in District but was hired to work out of office in Virginia and spent less than 30% of his time in District. Hopkins v. Grant Thornton Int'l, 851 F.Supp.2d 146, 2012 U.S. Dist. LEXIS 45156 (2012).

Chapter 7C. Job Training and Adult Education Programs Quarterly Reports.

Sec.
32-771. Department of Employment Services quarterly reports on job training and adult education programs.

§ 32-771. Department of Employment Services quarterly reports on job training and adult education programs.

(a) Beginning on February 15, 2013, the Department of Employment Services ("Department") shall transmit to the Council on a quarterly basis, and make available on the Department's website, a report on the outcomes associated with all local funding administered by the Department for job training or adult education purposes. The report shall include the following outcome measures for job training or adult education participants delineated by job training program and vendor:

(1) The amount of funding that the program or vendor, or that both the program and the vendor, received;

(2) The number of individuals enrolled in job training or adult education;

(3) The classification of instructional program codes for which they were trained;

(4) The number and percentage of those participants who were referred to the job training program or vendor who completed the job training or adult education program;

(5) The number and percentage of those participants who completed the job training or adult education program who earned a General Educational Diploma, high school diploma, or a noncredit or credit-bearing certificate or degree offered by licensed post-secondary education and training programs or vendors;

(6) Among participants who were unemployed at the start of the program, the number and percentage of participants who completed the job training or adult education program who found employment within 6 months of graduation;

(7) Among participants who found employment within 6 months of graduation, the average wage earned; and

(8) Among participants who found employment within 6 months of graduation, the number and percentage of participants who retained employment 6 months after their initial start date.

(b) The report shall also include the following outcome measures for subsidized employment programs, including the Transitional Employment Program ("TEP"), established pursuant to section § 32-1331:

(1) The number of individuals participating, by month;

(2) The number of private-sector employers that hosted a participant;

(3) The number and percentage of participating residents who receive wages from their employer in addition to their subsidized wage and the average amount of the additional wages;

(4) The average length of placement in the subsidized jobs;

(5) The number and percentage of participants who have been hired into unsubsidized jobs upon completion of the subsidized component of TEP or within 6 months of participating in the program, and the average wages of those hired; and

(6) Among program participants who found unsubsidized employment, the number and percentage of participants who retained unsubsidized employment for at least 6 months after their initial unsubsidized start date.

(c) The report shall also include the following outcome measures for training employment programs, including the On-the-Job Training program, established pursuant to § 32-241(a)(4), the:

(1) Number of individuals participating, by month;

(2) Number of private sector employers that hosted a participant;

(3) Average and median wages paid to participants whose employers are then reimbursed by the Department;

(4) Average amount and percentage paid of wage reimbursement per participant;

(5) Average duration of time participants spend in the training component of a program; and

(6) Number and percentage of participants who retain employment for an additional 6 months beyond the completion of the training at the same wages

and benefits as those in comparable positions who are not associated with a program.

(Sept. 20, 2012, D.C. Law 19-168, § 2082, 59 DCR 8025.)

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

CHAPTER 10. MINIMUM WAGES.

Subchapter I. General

Subchapter I. General.

§ 32-1004. Exceptions.

(a) The minimum wage and overtime provisions of § 32-1003 shall not apply with respect to:

(1) Any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as these terms are defined by the Secretary of Labor under 201 et seq. of the Fair Labor Standards Act); or

(2) Any employee engaged in the delivery of newspapers to the home of the consumer.

(b) The overtime provisions of § 32-1003(c) shall not apply with respect to:

(1) Any employee employed as a seaman;

(2) Any employee employed by a railroad;

(3) Any salesman, partsman, or mechanic primarily engaged in selling or servicing automobiles, trailers, or trucks, if employed by a nonmanufacturing establishment primarily engaged in the business of selling these vehicles to ultimate purchasers;

(4) Repealed.

(5) Any employee employed as an attendant at a parking lot or parking garage; or

(6) Any employee employed by a carrier by air who voluntarily exchanges workdays with another employee for the primary purpose of utilizing air travel benefits available to these employees.

(Mar. 25, 1993, D.C. Law 9-248, § 5, 40 DCR 761; May 31, 2012, D.C. Law 19-127, § 2, 59 DCR 2252.)

Section references. — This section is referenced in § 32-1015.

Effect of amendments. — D.C. Law 19-127 repealed subsec. (b)(4), which formerly read:

"(4) Any employee employed primarily to wash automobiles by an employer whose annual dollar volume of sales is derived by more than 50% from washing automobiles, and for

the employee's employment in excess of 160 hours over a period of 4 consecutive workweeks, the employee receives compensation at a rate of 1 ½ times or more the regular rate at which he is employed;"

Legislative history of Law 19-127. — Law 19-127, the "Car Wash Employee Overtime Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-247, which was referred to the Committee on Housing and Workforce Development. The Bill was adopted on first and second readings on February 7, 2012, and March 6, 2012, respectively. Signed by the Mayor on March 18, 2012, it was assigned Act No. 19-321 and transmitted to both Houses of Congress for its review. D.C. Law 19-127 became effective on May 31, 2012.

§ 32-1012. Civil liability.

Section references. — This section is referenced in § 32-1011.

CASE NOTES

Damages.

Employee who was entitled to $144.50 in unpaid overtime and liquidated damages pursuant to FLSA, could not collect twice for the same unpaid overtime compensation even though employer's failure to pay also constituted violation of District of Columbia Minimum Wage Act Revision Act (DCMWA). Encinas v. J.J. Drywall Corp., 840 F.Supp.2d 6, 2012 U.S. Dist. LEXIS 276 (2012).

Employer who had unlawfully deducted 10% of gross wages paid to its drywall employees, in violation of District of Columbia Wage Payment and Wage Collection Law (DCWPCL), and who had failed to maintain any employee payroll records, was liable for damages in the amount of $39,024 total in unlawful wage deductions, under theory of unjust enrichment, based on average number of employees working on jobsite, the duration of their work, and employees' promised hourly wages. Encinas v. J.J. Drywall Corp., 840 F.Supp.2d 6, 2012 U.S. Dist. LEXIS 276 (2012).

CHAPTER 13. PAYMENT AND COLLECTION OF WAGES.

§ 32-1308. Employees' remedies.

CASE NOTES

Costs and attorney fees.

Under District of Columbia law, former employee's refusal of employer's offer of judgment on her claim for unpaid leave under Wage Payment Act and Collection Law did not bar her claim for attorney fees and costs, where offer of judgment was in the amount of "$173.46 for liquidated damages, costs, and attorney fees," and employee recovered $173.46 for unpaid leave, "without prejudice to the parties' arguments on attorney fees." Dorsey v. Jacobson Holman, PLLC, 851 F.Supp.2d 13, 2012 U.S. Dist. LEXIS 44140 (2012), affirmed by 2012 U.S. App. LEXIS 16406 (D.C. Cir. Aug. 7, 2012).

CHAPTER 13C. PROHIBITION ON DISCRIMINATION AGAINST THE UNEMPLOYED.

Sec.
32-1361. Definitions.
32-1362. Discrimination based on status as unemployed unlawful.
32-1363. Retaliation unlawful.
32-1364. Exemptions.
32-1365. Oversight.
32-1366. Civil penalties.
32-1367. Rules.

§ 32-1361. Definitions.

For the purposes of this chapter, the term:

(1) "Employee" means any individual employed by an employer.

(2)"Employer" means any person who employs or seeks to employ for compensation one or more individuals for a position in the District (but not including the person's parent, spouse, child, or domestic servant engaged in work in and about the employer's household). The term "employer" includes any person acting in the interest of the person, directly or indirectly.

(3) "Employment agency" means any person regularly undertaking or attempting, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer, and includes an agent of that person.

(4) "Potential employee" means any individual who has applied to an employer for a vacant position to gain employment.

(5) "Status as unemployed" means any individual who, at the time of applying for employment, or, who at the time an act alleged to violate this chapter occurs, does not have a job, is available for work, and is seeking employment.

(May 31, 2012, D.C. Law 19-132, § 2, 59 DCR 2391.)

Legislative history of Law 19-132. — Law 19-132, the "Unemployed Anti-Discrimination Act of 2012", was introduced in Council and assigned Bill No. 19-486, which was referred to the Committee on Aging and Community Affairs. The Bill was adopted on first and second readings on February 7, 2012, and March 6, 2012, respectively. Signed by the Mayor on March 19, 2012, it was assigned Act No. 19-329 and transmitted to both Houses of Congress for its review. D.C. Law 19-132 became effective on May 31, 2012.

§ 32-1362. Discrimination based on status as unemployed unlawful.

No employer or employment agency shall:

(1) Fail or refuse to consider for employment, or fail or refuse to hire, an individual as an employee because of the individual's status as unemployed; or

(2) Publish, in print, on the Internet, or in any other medium, an advertisement or announcement for any vacancy in a job for employment that includes:

(A) Any provision stating or indicating that an individual's status as unemployed disqualifies the individual for the job; or

(B) Any provision stating or indicating that an employment agency will not consider or hire an individual for employment based on that individual's status as unemployed.

(May 31, 2012, D.C. Law 19-132, § 3, 59 DCR 2391.)

Legislative history of Law 19-132. — For history of Law 19-132, see notes under § 32-1361.

§ 32-1363. Retaliation unlawful.

No employer or employment agency shall:

(1) Interfere with, restrain, or deny the exercise of, or the attempted exercise of, any right provided under this chapter; or

(2) Fail or refuse to hire, or discharge, any employee or potential employee because the employee or potential employee:

(A) Opposed any practice made unlawful by this chapter;

(B) Has filed any charge, or has instituted or caused to be instituted any proceeding, relating to any right provided under this chapter;

(C) Has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this chapter; or

(D) Has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this chapter.

(May 31, 2012, D.C. Law 19-132, § 4, 59 DCR 2391.)

Legislative history of Law 19-132. — For history of Law 19-132, see notes under § 32-1361.

§ 32-1364. Exemptions.

(a) Nothing set forth in this chapter shall be construed as prohibiting an employer or employment agency from publishing, in print, on the Internet, or in any other medium, an advertisement for any job vacancy that contains any provision setting forth any other qualifications for a job, as permitted by law, including:

(1) The holding of a current and valid professional or occupational license;

(2) A certificate, registration, permit, or other credential; or

(3) A minimum level of education, training, or professional, occupational, or field experience.

(b) Nothing in this chapter is intended to preclude an employer or employment agency from examining the reasons underlying an individual's status as unemployed in assessing an individual's ability to perform a job or in otherwise making employment decisions about that individual.

(c) Nothing in this chapter shall be construed as prohibiting an employer or employment agency from publishing, in print, on the Internet, or in any other medium, an advertisement for any job vacancy that contains any provision stating that only applicants who are currently employed by the employer will be considered for employment.

(May 31, 2012, D.C. Law 19-132, § 5, 59 DCR 2391.)

Legislative history of Law 19-132. — For history of Law 19-132, see notes under § 32-1361.

§ 32-1365. Oversight.

(a) The District of Columbia Office of Human Rights ("Office") shall receive, review, and investigate complaints regarding violations of this chapter and shall take appropriate enforcement action regarding the complaints.

(b) The Office shall respond to a complaint arising pursuant to this chapter no later than one month after the complaint is filed.

(c) The Office shall assess civil penalties in all cases where the Office determines that an employer or employment agency has committed a violation of this chapter.

(May 31, 2012, D.C. Law 19-132, § 6, 59 DCR 2391.)

Legislative history of Law 19-132. — For history of Law 19-132, see notes under § 32-1361.

§ 32-1366. Civil penalties.

(a) An employer or employment agency that the Office finds to have violated this chapter shall be subject to a civil penalty for a first violation of $1,000 per claimant, $ 5,000 per claimant for a second violation, and $10,000 per claimant for each subsequent violation, but not to exceed a total of $20,000 per violation. The Office shall collect the penalty from the violator and distribute the funds collected among any employee or potential employee who filed a claim regarding a violation of this chapter.

(b) Nothing set forth in this chapter shall be construed as creating, establishing, or authorizing a private cause of action by an aggrieved person against an employer or employment agency who has violated, or is alleged to have violated, the provisions of this chapter.

(May 31, 2012, D.C. Law 19-132, § 7, 59 DCR 2391.)

Legislative history of Law 19-132. — For history of Law 19-132, see notes under § 32-1361.

§ 32-1367. Rules.

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], shall issue rules to implement the provisions of this chapter. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 30-day review period, the proposed rules shall be deemed approved.

(May 31, 2012, D.C. Law 19-132, § 8, 59 DCR 2391.)

Legislative history of Law 19-132. — For history of Law 19-132, see notes under § 32-1361.

§ 32-1368. Applicability of chapter.

This chapter shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

(May 31, 2012, D.C. Law 19-132, § 9, 59 DCR 2391.)

Legislative history of Law 19-132. — For history of Law 19-132, see notes under § 32-1361.

CHAPTER 15. WORKERS' COMPENSATION.

§ 32-1501. Definitions.

Section references. — This section is referenced in § 6-1405.01, § 32-1508, and § 32-1511.

CASE NOTES

ANALYSIS

Accidental injury.

— Mental disease and emotional distress, accidental injury.

In "mental-mental" workers' compensation cases, in which claimants allege that an emotionally-traumatic workplace event or stressor caused a mental injury, a test for the existence of actual workplace stressors must be one verifying the factual reality of stressors in the workplace environment, rather than one requiring the claimant to prove that a hypothetical average or healthy person would have suffered a similar psychological injury. Muhammad v. D.C. Dep't of Empl. Servs., 34 A.3d 488, 2012 D.C. App. LEXIS 3 (2012).

A primary difference between "physical-mental claims," in which workers' compensation claimants allege that a physical workplace injury caused a mental injury, and "mental-mental claims," in which claimants allege that an emotionally-traumatic workplace event or stressor caused a mental injury, is that in the context of physical-mental disabilities, the physical accident is the unexpected occurrence supplying the necessary, and objective, workplace connection. Muhammad v. D.C. Dep't of Empl. Servs., 34 A.3d 488, 2012 D.C. App. LEXIS 3 (2012).

Casual employees.

Evidence supported conclusion that an employer/employee relationship existed between sole proprietor and workers' compensation claimant, who was sole proprietor's brother-in-law, as necessary for claimant to be eligible for benefits; claimant's lack of specialized skill or professional service that he was providing and, that his work was unskilled made it more likely that claimant was sole proprietor's employee, 26-month period of claimant's employment spanned nearly the entirety of sole proprietor's existence, and pushed the nature of claimant's relationship with sole proprietor beyond "casual" to reflect more of an employer/employee relationship, and even if claimant's work was intermittent, this did not preclude the existence of an employer/employee relationship. Reyes v. D.C. Dep't of Empl. Servs., 48 A.3d 159, 2012 D.C. App. LEXIS 317 (2012).

LAW REVIEWS AND JOURNAL COMMENTARIES

The Law Of Workers' Compensation: Defining Accidental Injury, 30 Howard Law Journal 515.

§ 32-1503. Coverage.

Section references. — This section is referenced in § 32-1504.

CASE NOTES

Employment relationship.

Evidence supported conclusion that an employer/employee relationship existed between sole proprietor and workers' compensation claimant, who was sole proprietor's brother-in-law, as necessary for claimant to be eligible for benefits; claimant's lack of specialized skill or professional service that he was providing and, that his work was unskilled made it more likely that claimant was sole proprietor's employee, 26-month period of claimant's employment spanned nearly the entirety of sole proprietor's existence, and pushed the nature of claimant's relationship with sole proprietor beyond "casual" to reflect more of an employer/employee relationship, and even if claimant's work was intermittent, this did not preclude the existence of an employer/employee relationship. Reyes v. D.C. Dep't of Empl. Servs., 48 A.3d 159, 2012 D.C. App. LEXIS 317 (2012).

LAW REVIEWS AND JOURNAL COMMENTARIES

The Law of Workers' Compensation: Defining Accidental Injury. 30 How.L.J. 515 (1987).

Workers' Compensation: Jurisdiction. 30 How.L.J. 495 (1987).

§ 32-1508. Compensation for disability.

Compensation for disability shall be paid to the employee as follows:

(1) In case of total disability adjudged to be permanent, 66⅔% of the employee's average weekly wages shall be paid to the employee during the continuance thereof. Loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any 2 thereof shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent total disability shall be determined only if, as a result of the injury, the employee is unable to earn any wages in the same or other employment;

(2) In case of disability total in character but temporary in quality, 66⅔% of the employee's average weekly wages shall be paid to the employee during the continuance thereof;

(3) In case of disability partial in character but permanent in quality, the compensation shall be 66⅔% of the employee's average weekly wages which shall be in addition to compensation for temporary total disability or temporary partial disability paid in accordance with paragraph (2) or (4) of this subsection respectively, and shall be paid to the employee, as follows:

(A) Arm lost, 312 weeks' compensation;

(B) Leg lost, 288 weeks' compensation;

(C) Hand lost, 244 weeks' compensation;

(D) Foot lost, 205 weeks' compensation;

(E) Eye lost, 160 weeks' compensation;

(F) Thumb lost, 75 weeks' compensation;

(G) First finger lost, 46 weeks' compensation;

(H) Great toe lost, 38 weeks' compensation;

(I) Second finger lost, 30 weeks' compensation;

(J) Third finger lost, 25 weeks' compensation;

(K) Toe other than great toe lost, 16 weeks' compensation;

(L) Fourth finger lost, 15 weeks' compensation;

(M) Compensation for loss of hearing of 1 ear, 52 weeks. Compensation for loss of hearing of both ears, 200 weeks, provided that the Mayor may establish a waiting period, not to exceed 6 months, during which an employee may not file a claim for loss of hearing resulting from nontraumatic causes in his occupational environment until the employee has been away from such environment for such period, and provided further, that nothing in this subparagraph shall limit an employee's right to file a claim for temporary partial disability pursuant to paragraph (5) of this section;

(N) Compensation for loss of more than 1 phalange of a digit shall be the same as for loss of the entire digit. Compensation for loss of the 1st phalange shall be one half of the compensation for loss of the entire digit;

(O) Compensation for an arm or a leg, if amputated at or above the elbow or the knee, shall be the same as for a loss of the arm or leg; but if amputated between the elbow and the wrist or the knee and the ankle, shall be the same as for loss of a hand or foot;

(P) Compensation for loss of binocular vision or for 80% or more of the vision of an eye shall be the same as for loss of the eye;

(Q) Compensation for loss of 2 or more digits, or 1 or more phalanges of 2 or more digits, of a hand or foot, may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the compensation for loss of a hand or foot;

(R) Compensation for permanent total loss of use of a member shall be the same as for loss of the member;

(S) Compensation for permanent partial loss or loss of use of a member may be for proportionate loss or loss of use of the member. Benefits for partial loss of vision in 1 or both eyes, or partial loss of hearing in 1 or both ears shall be for a period proportionate to the period benefits are payable for total bilateral loss of vision or total binaural loss of hearing as such partial loss bears to total loss;

(T) The Mayor shall award proper and equitable compensation for serious disfigurement of the face, head, neck or other normally exposed bodily areas not to exceed $7,500;

(U) In any case in which there shall be a loss of, or loss of use of, more than 1 member or parts of more than 1 member set forth in subparagraphs (A) to (S) of this paragraph, not amounting to permanent total disability, the award of compensation shall be for the loss of, or loss of use of, each such member or part thereof, which awards shall run consecutively, except that where 1 injury affects only 2 or more digits of the same hand or foot, subparagraph (Q) of this paragraph shall apply; and

(U-i) In determining disability pursuant to subparagraphs (A) through (S) of this subsection, the most recent edition of the American Medical

Association's *Guides to the Evaluation of Permanent Impairment* may be utilized, along with the following 5 factors:

(i) Pain;

(ii) Weakness;

(iii) Atrophy;

(iv) Loss of endurance; and

(v) Loss of function.

(V)(i) In other cases the employee shall elect:

(I) To have his or her compensation calculated in accordance with the formula set forth in either sub-subparagraph (ii)(I) or (II) of this subparagraph; and

(II) To receive the compensation at the time the employee returns to work or achieves maximum medical improvement.

(ii) The compensation shall be 66⅔% of the greater of:

(I) The difference between the employee's actual wage at the time of injury and the average weekly wage, at the time of injury, of the job that the employee holds after the employee has a disability; or

(II) The difference between the average weekly wage, at the time the employee returns to work, of the job that the employee held before the employee had the disability and the actual wage of the job that the employee holds when the employee returns to work.

(iii) If the employee voluntarily limits his or her income or fails to accept employment commensurate with the employee's abilities, the employee's wages after the employee becomes disabled shall be deemed to be the amount the employee would earn if the employee did not voluntarily limit his or her income or did accept employment commensurate with the employee's abilities. Notwithstanding the provisions of this section, in the case of injury occurring on or after April 16, 1999, the periods of compensation set forth in subparagraphs (A) through (S) of this paragraph shall each be reduced by a proportion of 25% of the stated period of weeks, rounded upward to the nearest whole week.

(W) The compensation and remuneration payable to a professional athlete claimant pursuant to subparagraph (V)(ii) of this paragraph shall be determined by referring to the date of the claimant's disability and a date that is not later than the date on which the claimant's employment as a professional athlete would have ended, as determined pursuant to § 32-1501(17C), if the disability for which he or she seeks compensation and remuneration pursuant to subparagraph (V)(ii) of this paragraph had not occurred.

(4) Any compensation to which any claimant would be entitled under paragraph (3) of this section, excepting paragraph (3)(V) of this section, shall, provided the death arises from causes other than the injury, be payable in full to and for the benefit of the persons following:

(A) If there be a surviving spouse or domestic partner and no child of the deceased to such spouse or domestic partner;

(B) If there be a surviving spouse or domestic partner and surviving child or children of the deceased, one half shall be payable to the spouse or domestic partner and the other one half to the surviving child or children;

(C) The Mayor may in his discretion require the appointment of a guardian for the purpose of receiving the compensation of the minor child. In the absence of such a requirement, the appointment for such a purpose shall not be necessary;

(D) If there be a surviving child or children of the deceased but no surviving spouse or domestic partner, then to such child or children;

(E) If there be no surviving spouse or domestic partner and no surviving children, such unpaid amount of the award shall be paid to the survivors specified in § 32-1509 (other than a spouse, domestic partner, or child); and the amount to be paid each such survivor shall be determined by multiplying such unpaid amount of the award by the appropriate percentage specified in § 32-1509(4), but if the aggregate amount to which all such survivors are entitled, as so determined, is less than such unpaid amount of the award, the excess amount shall be divided among such survivors pro rata according to the amount otherwise payable to each.

(5) In case of temporary partial disability, the compensation shall be 66⅔% of the injured employee's wage loss to be paid during the continuance of such disability, but shall not be paid for a period exceeding 5 years. Wage loss shall be the difference between the employee's average weekly wage before the employee had the disability and the employee's actual wages after the employee had the disability. If the employee voluntarily limits his income or fails to accept employment commensurate with his abilities, then his wages after the employee had the disability shall be deemed to be the amount he would earn if he did not voluntarily limit his income or did accept employment commensurate with his abilities.

(6)(A) If an employee receives an injury, which combined with a previous occupational or nonoccupational disability or physical impairment causes substantially greater disability or death, the liability of the employer shall be as if the subsequent injury alone caused the subsequent amount of disability and shall be the payment of:

(i) All medical expenses;

(ii) All monetary benefits for temporary total or partial injuries; and

(iii) Monetary benefits for permanent total or partial injuries up to 104 weeks.

(B) The special fund shall reimburse the employer solely for the monetary benefits paid for permanent total or partial injuries after 104 weeks.

(C) The requirements of this paragraph shall apply to injuries occurring prior to April 16, 1999.

(7) In each case, payment of benefits shall be 66⅔% of the employee's average weekly wage.

(8) The Mayor may approve lump-sum settlements agreed to in writing by the interested parties, discharging the liability of the employer for compensation, notwithstanding §§ 32-1516 and 32-1517, in any case where the Mayor determines that it is in the best interest of an injured employee entitled to compensation or individuals entitled to benefits pursuant to § 32-1509. The Mayor shall approve the settlement, where both parties are represented by legal counsel who are eligible to receive attorney fees pursuant to § 32-1530.

These settlements shall be the complete and final dispositions of a case and shall be a final binding compensation order.

(9) Repealed.

(10) An award for disability may be made after the death of an injured employee from causes other than work-related injury. If the award made is for permanent partial disability, pursuant to paragraph (3)(A) through (U) of this section, the award shall be payable in full pursuant to paragraph (4) of this section. If the award made is for any other category of disability, the amount of the award shall be computed from the date of the injury to the date of death, and shall be payable in full in the same manner as an award payable pursuant to paragraph (4) of this section.

(July 1, 1980, D.C. Law 3-77, § 9, 27 DCR 2503; May 10, 1989, D.C. Law 7-231, § 44, 36 DCR 492; Mar. 6, 1991, D.C. Law 8-198, § 2(d), 37 DCR 6890; Apr. 16, 1999, D.C. Law 12-229, § 2(e), 46 DCR 891; Oct. 14, 1999, D.C. Law 13-49, § 12(b), 46 DCR 5153; Apr. 24, 2007, D.C. Law 16-305, § 48(c), 53 DCR 6198; Sept. 12, 2008, D.C. Law 17-231, § 31(d), 55 DCR 6758; Sept. 26, 2012, D.C. Law 19-171, § 37(b), 59 DCR 6190.)

Section references. — This section is referenced in § 32-1501, § 32-1524, and § 32-1540.

Effect of amendments.

The 2012 amendment made a technical correction to D.C. Law 17-231, § 31(d) which did not affect this section as codified.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 32-1521. Presumptions.

CASE NOTES

Analysis

Claims coming within the provisions of chapter—In general.
—Causal connection, claims coming within the provisions of chapter.

Claims coming within the provisions of chapter—In general.

— Causal connection, claims coming within the provisions of chapter.

To benefit from the statutory presumption that a private sector workers' compensation claim comes within the Workers' Compensation Act, the employee need only show some evidence of a disability and a work-related event or activity which has the potential of resulting in or contributing to the disability; such a showing effectuates the presumption, which operates to establish a causal connection between the disability and the work-related event, activity, or requirement, and shifts the burden of production to the employer to produce substantial evidence demonstrating that the disability did not arise out of and in the course of employment. Hensley v. District of Columbia Dept. of Employment Services, 2012 WL 3508932 (2012).

§ 32-1525. Hearings before Mayor.

(a) In making an investigation or inquiry or conducting a hearing the Mayor shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, except as provided by this chapter, but may make such investigation or inquiry or conduct such hearing in such manner as to best ascertain the rights of the parties. Prior to the hearing before the Mayor

the parties may conduct such discovery, including but not limited to the use of interrogatories and depositions as, in the opinion of the Mayor, will be helpful in determining the rights of the parties. Declarations of a deceased employee concerning the injury in respect of which the investigation or inquiry is being made or the hearing conducted shall be received in evidence and shall, if corroborated by other evidence, be sufficient to establish the injury.

(b) Hearings before the Mayor shall be open to the public and shall be reported stenographically or by such other method capable of producing an accurate transcript. The Mayor shall by regulation provide for the preparation of a record of the hearings and other proceedings before the Mayor.

(July 1, 1980, D.C. Law 3-77, § 26, 27 DCR 2503; Sept. 20, 2012, D.C. Law 19-168, § 2172, 59 DCR 8025.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 substituted "reported stenographically or by such other method capable of producing an accurate transcript" for "stenographically reported" in the first sentence of (b).

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

§ 32-1530. Attorney fees.

Section references. — This section is referenced in § 32-1508.

CASE NOTES

Dismissal.

Dismissal of employer's application for formal hearing to challenge Office of Workers' Compensation's (OWC's) informal recommendation for continuation of disability benefits, after employer filed consent motion to withdraw the application due to resolution of contested issues, was not "award of compensation" that was greater than amount paid or tendered by employer, as condition precedent to award of attorney fees to claimant; dismissal order did not reach merits of parties' contested issues but was procedural mechanism undertaken by agency in light of parties' voluntary resolution of claim. Fluellyn v. District of Columbia Dept. of Employment Services, 2012 WL 2504914 (2012).

TITLE 33. PARTNERSHIPS. [REPEALED].

SUBTITLE I. GENERAL PROVISIONS.

CHAPTER 1. UNIFORM PARTNERSHIP ACT (1996).

Subchapter I. General Provisions.

§ 33-101.01. Definitions. [Repealed].

Editor's notes.
Section 89(a) of D.C. Law 19-171 corrected the law reference in D.C. Law 18-378, § 3(x).

CHAPTER 2. UNIFORM LIMITED PARTNERSHIP ACT (1987).

Subchapter I. General Provisions.

§ 33-201.01. Definitions. [Repealed].

Editor's notes.
Section 89(a) of D.C. Law 19-171 corrected the law reference in D.C. Law 18-378, § 3(y).

TITLE 34. PUBLIC UTILITIES.

SUBTITLE I. APPLICABLE PROVISIONS GENERALLY.

SUBTITLE V. TELECOMMUNICATIONS.

SUBTITLE VI. WATER AND SEWER.

SUBTITLE I. APPLICABLE PROVISIONS GENERALLY.

Chapter 2. Definitions Applicable to Subtitle.

Sec.

§ 34-207. "Electrical company" defined.

The term "electric company" when used in this subtitle includes every corporation, company, association, joint-stock company or association, partnership, or person and doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, physically transmitting or distributing electricity in the District of Columbia to retail electric customers. The term excludes any building owner, lessee, or manager who, respectively, owns, leases, or manages, the internal distribution system serving the building and who supplies electricity and other related electricity services solely to occupants of the building for use by the occupants. The term also excludes a person or entity that does not sell or distribute electricity and that owns or operates equipment used exclusively for the charging of electric vehicles.

(Mar. 4, 1913, 37 Stat. 976, ch. 150, § 8, par. 1; May 9, 2000, D.C. Law 13-107, § 201(b)(5), 47 DCR 1091; Mar. 19, 2013, D.C. Law 19-252, § 101(a), 59 DCR 14932.)

Section references. — This section is referenced in § 8-1771.06, § 8-1773.01, and § 34-1561.

Effect of amendments.
The 2013 amendment by D.C. Law 19-252 added the last sentence.

Legislative history of Law 19-252. — Law 19-252, the "Energy Innovation and Savings Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-749. The Bill was adopted on first and second readings on Nov. 1, 2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 7, 2012, it was assigned Act No. 19-562 and transmitted to Congress for its review. D.C. Law 19-252 became effective on Mar. 19, 2013.

Editor's notes. — Section 301 of D.C. Law 19-252 provided that the Mayor shall issue rules to implement the provisions of the act within 180 days of its effective date [Mar. 19, 2013].

§ 34-214. "Public utility", "utility" or "utility company" defined.

The term "public utility", "utility" or "utility company" as used in this subtitle shall mean and embrace every street railroad, street railroad corporation, common carrier, gas plant, gas company, electric company, telephone corporation, telephone line, telegraph corporation, telegraph line, and pipeline company. Until the initial implementation date of Chapter 15 of this title, the term shall also include every electric generating facility owned and operated by the electric company. The term "public utility" excludes a person or entity that owns or operates electric vehicle supply equipment but does not sell or distribute electricity, an electric vehicle charging station service company, or an electric vehicle charging station service provider.

(Mar. 4, 1913, 37 Stat. 974, ch. 150, § 8, par. 1; May 9, 2000, D.C. Law 13-107, § 201(b)(2), 47 DCR 1091; Mar. 16, 2005, D.C. Law 15-227, § 17(a)(1), 51 DCR 10549; Mar. 19, 2013, D.C. Law 19-252, § 101(b), 59 DCR 14932.)

Section references. — This section is referenced in § 34-1551.

Effect of amendments.

The 2013 amendment by D.C. Law 19-252 added the last sentence.

Legislative history of Law 19-252. — See note to § 34-207.

Editor's notes. — Section 301 of D.C. Law 19-252 provided that the Mayor shall issue rules to implement the provisions of the act within 180 days of its effective date [Mar. 19, 2013].

CHAPTER 8. PUBLIC SERVICE COMMISSION; MEMBERS; COUNSEL; EMPLOYEES.

Sec.
34-808.02. Factors considered by Commission.

§ 34-808.02. Factors considered by Commission.

In supervising and regulating utility or energy companies, the Commission shall consider the public safety, the economy of the District, the conservation of natural resources, and the preservation of environmental quality.

(Mar. 4, 1913, ch. 50, § 8, par. 96A, as added Oct. 22, 2008, D.C. Law 17-250, § 401, 55 DCR 9225; redesignated as par. 97B, Sept. 26, 2012, D.C. Law 19-171, § 45(a), 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 redesignated the Act of Mar. 4, 1913, ch. 150, § 8, par. 96A as the Act of Mar. 4, 1913, ch. 150, § 8, par. 97B.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

SUBTITLE III. ELECTRICITY.

CHAPTER 15. RETAIL ELECTRIC COMPETITION AND CONSUMER PROTECTION.

§ 34-1506. Duties of the electric company.

Section references. — This section is referenced in § 34-1504.

Temporary Addition of Section.

Section 2 of D.C. Law 19-176 added D.C. Law 13-107, § 106a, to read as follows:

"Disconnection of service in extreme temperature prohibited.

"(a) For the purposes of this section, the term 'forecast of extreme temperature' means a National Weather Service forecast that the heat index for the District of Columbia will be 95 degrees Fahrenheit or above at any time during a day.

"(b) The electric company shall not disconnect residential electric service during the day preceding, and the day of, a forecast of extreme temperature. If the forecast of extreme temperature precedes a holiday or weekend day, the electric company shall not disconnect residential electric service on any day during the holiday or weekend."

Section 4(b) of D.C. Law 19-176 provided that the act shall expire after 225 days of its having taken effect.

SUBTITLE V. TELECOMMUNICATIONS.

CHAPTER 18. EMERGENCY AND NON-EMERGENCY NUMBER TELEPHONE SYSTEM ASSESSMENTS FUND.

§ 34-1802. Emergency and Non-Emergency Number Telephone Calling Systems Fund.

(a) There is established a fund designated as the Emergency and Non-Emergency Number Telephone Calling Systems Fund, which shall be separate from the General Fund of the District of Columbia and shall be used solely for the purposes set forth in subsection (b) of this section. The Fund shall be funded by a tax imposed under §§ 34-1803 and 34-1803.02 and from sources identified in § 34-1803.03. All monies collected under § 34-1803, § 34-

1803.02, and 34-§ 1803.03 and all interest earned on those monies, shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress. All monies deposited into the Fund shall not revert to, or be transferred to, the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress in an appropriations act.

(a-1) All authority and operations of the Fund shall be administered by the Office of Unified Communications.

(b) The Fund shall be used solely to defray personnel and nonpersonnel costs incurred by the District of Columbia and its agencies and instrumentalities in providing a 911 system, and direct costs incurred by wireless carriers in providing wireless E-911 service. For purposes of this subsection, the term "costs" shall include obligations incurred both before and after October 19, 2000. The Fund shall not be used for any other purpose.

(b-1) After October 1, 2008, no monies in the Fund shall be used to defray personnel costs.

(b-2) After October 1, 2010, no monies in the Fund shall be used to defray nonpersonal costs related to overhead, including energy, rentals, janitorial services, security, or occupancy costs. The Fund shall be used solely to defray technology and equipment costs directly incurred by the District of Columbia and its agencies and instrumentalities in providing a 911 system and direct costs incurred by wireless carriers in providing wireless E-911 service. The Fund shall not be used for any other purpose.

(b-3) Notwithstanding subsection (b-2) of this section, monies in the Fund may be used to defray security costs during fiscal year 2011 and fiscal year 2012.

(c) The Mayor shall submit to the Council, as a part of the annual budget, a requested appropriation for expenditures from the Fund. Any monies received but not expended in a given fiscal year shall be retained by the Fund.

(d)(1) All income and expenses of the Fund shall be audited annually by the Chief Financial Officer, who shall transmit the audit report to the Mayor and the Council.

(A) The expenses of the annual audit shall be defrayed by the Fund.

(B) The annual audit shall include the following:

(i) The assets, liabilities, fund balance, revenue, and expenditures of the Fund;

(ii) A detailed accounting of the Fund's expenditures;

(iii) Recommendations to improve the financial management processes of the Fund;

(iv) Identification of any Fund expenditures that are not permitted under law;

(v) Recommendations to improve the language of the Fund's enabling statute to reflect best practices; and

(vi) Any other information deemed important by the Chief Financial Officer.

(2) The Chief Financial Officer shall also transmit to the Mayor and

Council quarterly reports summarizing the income and expenditures of the Fund.

(e) During fiscal year 2003, the Mayor shall allocate at least $500,000 of any revenue the Fund earns due to the enactment of the Emergency and Non-Emergency Number Telephone Calling Systems Fund Amendment Act of 2002 (title VII of D.C. Law 14-307), in excess of the Fund revenue projection included in the District of Columbia's budget submission to Congress, to increase the number of emergency call-taking staff who are working during hours when call volume is above average. The Mayor may increase the number of emergency call-taking staff through such measures that he considers appropriate, including hiring new staff, authorizing overtime, employing light-duty sworn police officers or firefighters, or offering a shift differential, in accordance with Chapter 6 of Title 1 and any applicable collective bargaining agreements.

(Oct. 19, 2000, D.C. Law 13-172, § 603, 47 DCR 6308; June 5, 2003, D.C. Law 14-307, § 702(a), 49 DCR 11664; Nov. 13, 2003, D.C. Law 15-39, § 502(b), 50 DCR 5668; Dec. 7, 2004, D.C. Law 15-205, § 3222, 51 DCR 8441; Sept. 18, 2007, D.C. Law 17-20, § 3022(a), 54 DCR 7052; Aug. 16, 2008, D.C. Law 17-219, § 3002(a), 55 DCR 7598; Mar. 3, 2010, D.C. Law 18-111, § 3011(a), 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, §§ 3002(b), 3052, 57 DCR 6242; Sept. 14, 2011, D.C. Law 19-21, §§ 3052, 9052(a)(1), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 3042(a), 59 DCR 8025.)

Section references. — This section is referenced in § 34-1801.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168, in (a), added "and from sources identified in § 34-1803.03" in the second sentence, substituted "§(34-1803, 34-1803.02, and 34-1803.03" for "§(34-1803 and 34-1803.02" in the third sentence, and added "or be transferred to" in the last sentence.

Emergency legislation.

For temporary (90 day) amendment of section, see § 3042(a) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 3042(a) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative history of Law 19-168. — Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012," was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Editor's notes.

Section 3044 of D.C. Law 19-168 provided that Section 3042(a)(3) of the act shall apply as of October 1, 2011. Section 3042(a)(3) of D.C. Law 19-168 amended subsection (a) of this section by striking the phrase "All monies deposited into the Fund shall not revert to the General Fund of the District of Columbia" and inserting the phrase "All monies deposited into the Fund shall not revert to, or be transferred to, the General Fund of the District of Columbia" in its place.

§ 34-1803. Assessments.

Section references. — This section is referenced in § 34-1802 and § 34-1805.

Emergency legislation.

For temporary (90 day) addition of section, see § 3042(b) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 3042(b) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of

2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

§ 34-1803.03. Additional revenues.

All revenues from the following sources shall be deposited into the Fund:

(1) Steam (including arrearage payments) for the Correctional Treatment Facility received by the District since October 1, 2007; and

(2) Aggregate revenues in excess of $88 million received in any one fiscal year beginning on or after October 1, 2012, from fines paid due to automated photo enforcement; except, that in fiscal year 2014, it shall be in excess of $92.5 million.

(Oct. 19, 2000, D.C. Law 13-172, § 604c, as added Sept. 20, 2012, D.C. Law 19-168, § 3042(b), 59 DCR 8025.)

Section references. — This section is referenced in § 34-1802.

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Emergency legislation. — For temporary addition of section, see § 3042(b) of the Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative history of Law 19-168. — See note to § 34-1802.

SUBTITLE VI. WATER AND SEWER.

CHAPTER 22. WATER AND SEWER AUTHORITY.

Subchapter II. General Provisions

Sec.

Subchapter II. General Provisions.

§ 34-2202.01. Definitions.

For the purposes of this chapter, the term:

(1) "Authority" means the District of Columbia Water and Sewer Authority established pursuant to § 34-2202.02(a).

(1A) "Contaminant" means a physical, chemical, biological, or radiological substance or matter in water.

(2) "Cost" means any and all reasonable expenses related to the purposes or activities of the Authority including expenses for operation and maintenance activities; expenses for preconstruction and construction, acquisition, alteration, improvement, enlargement of furnishing, fixturing and equipping, reconstruction and rehabilitation of the water distribution and sewage collec-

tion, treatment, and disposal systems of the District, including without limitation, the purchase or lease expense for all lands, structures, real or personal property, rights, rights-of-way, roads, franchises, easements, and interest acquired or used for, or in connection with the Authority; the expenses of demolishing or removing buildings or structures on land acquired by the Authority, including the expenses incurred for acquiring any lands to which the buildings may be moved or located; the expenses incurred for all utility lines, structures or equipment charges, and interest on financial obligations incurred for a period as the Authority may reasonably determine to be necessary for the effective functioning of the water distribution and sewage collection, treatment, and disposal systems; provisions for reserves for principal and interest for extensions, operating and contingency reserves, enlargements, additions, and improvements; expenses incurred for architectural engineering, energy efficiency technology, design and consulting, financial and legal services, letters of credit, bond insurance, debt service or debt service reserve insurance, surety bonds or similar credit enhancement instruments, plans, specification studies, surveys, and estimates of expenses and of revenues; expenses necessary or incident to determining the feasibility of improvements to the water distribution and sewage collection, treatment, and disposal systems, the financing of such improvements, including a proper allowance for contingencies, and the provision of reasonable initial working capital for operating the improved systems and expenses for obtaining potable water for distribution.

(3) "Dedicated revenues" means revenues collected pursuant to water and sewer rates, fees, and charges imposed by the Authority.

(3A) "Endocrine disruptor compounds" means chemicals that can affect the hormones in the endocrine system of humans or wildlife and cause adverse physiologic effects, such as changes to the reproductive system or to the growth and development of the biological system.

(4) "Joint-use sewerage facilities" means the following:

(A) Little Falls Trunk Sewer;

(B) Upper Potomac Interceptor Sewer;

(C) Upper Potomac Interceptor Relief Sewer;

(D) Rock Creek Main Interceptor Sewer;

(E) Rock Creek Main Interceptor Relief Sewer;

(F) Potomac River Interceptor Sewer;

(G) Potomac River Sewage Pumping Station;

(H) Potomac River Force Mains;

(I) Watts Branch Trunk Sewer;

(J) Anacostia Force Main (Project 89 Sewer);

(K) Anacostia Force Main & Gravity Sewer;

(L) Outfall Sewers (Renamed Potomac River Trunk Sewers);

(M) Outfall Relief Sewers (Renamed Potomac River Trunk Relief Sewers);

(N) Upper Oxon Run Trunk Sewer;

(O) Upper Oxon Run Trunk Relief Sewer;

(P) Lower Oxon Run Trunk Sewer;

(Q) Lower Oxon Run Trunk Relief Sewer;

(R) Blue Plains Wastewater Treatment Plant (Blue Plains); and

(S) Potomac Interceptor Sewer.

(5) "Other participating jurisdictions" means Montgomery County, Maryland, Prince George's County, Maryland, and Fairfax County, Virginia.

(6) "Revenue bond" means any revenue bond, note, or other obligation (including refunding bonds, notes, or other obligations) used to borrow money to finance, assist in financing, or to refinance undertakings authorized by § 1-204.90, and this chapter.

(7) "Service sewer" means a sewer with which connection may be directly made for the purpose of providing sewage facilities to abutting property.

(8) "Sewage collection, treatment, and disposal systems" means all the facilities used, or to be used, for the collection, transmission, treatment, and disposal of sanitary sewage and stormwater flow, including the following:

(A) Sewers carrying the following:

(i) Sewage mixed with storm and surface water;

(ii) Sewage discharged from sanitary conveniences;

(iii) Commercial or industrial wastes;

(iv) Water distributed after use;

(v) Stormwater run-off; and

(vi) Both sanitary sewage run-off and stormwater run-off;

(B) Sanitary, stormwater, and combined pumping stations;

(C) Wastewater treatment plants, including the Blue Plains Wastewater Treatment Plant; and

(D) Facilities for the processing, management, and disposal of biosolids.

(9) "Sewer" means a pipe or conduit carrying sewage or stormwater flow.

(9A) Repealed.

(9B) Repealed.

(9C) "Unregulated contaminant" means the contaminants regulated by the United States Environmental Protection Agency pursuant to the Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems set forth in 40 C.F.R. § 141.40.

(10) "Water and sewer rates" means the fees imposed by the Authority on its retail customers for water, sewer, and stormwater services pursuant to this chapter.

(11) "Water distribution system" means all the facilities used, or to be used, for the distribution of potable water situated within the public space of the District.

(Apr. 18, 1996, D.C. Law 11-111, § 201, 43 DCR 548; Apr. 9, 1997, D.C. Law 11-184, § 202(b), 43 DCR 4265; June 9, 2001, D.C. Law 13-311, § 2(a), 48 DCR 3512; Mar. 25, 2009, D.C. Law 17-371, § 3(a), 56 DCR 1353; Mar. 19, 2013, D.C. Law 19-240, § 2(a), 59 DCR 14790.)

Section references. — This section is referenced in § 8-151.01.

Effect of amendments.

The 2013 amendment by D.C. Law 19-240 added (1A), (3A), and (9C).

Legislative history of Law 19-240. — Law 19-240, the "Water Quality Assurance Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-769. The Bill was adopted on first and second readings on Nov. 1,

2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 4, 2012, it was assigned Act No. 19-560 and transmitted to Congress for its review. D.C. Law 19-240 became effective on Mar. 19, 2013.

§ 34-2202.03. General powers of Authority.

In addition to the delegation of powers contained in § 34-2202.08, the Authority shall possess the following powers:

(1) To sue and be sued;

(2) To have a seal and alter the seal at its pleasure;

(3) To make, adopt, and alter by-laws, rules, and regulations for the administration and regulation of its business and affairs;

(4) To elect, appoint, or hire officers, employees, or other agents of the Authority, except Board members, including experts and fiscal agents, define their duties, and fix their compensation;

(5) To acquire, by purchase, gift, lease, or otherwise, and to own, hold, improve, use, sell, convey, exchange, transfer, lease, sublease, and dispose of real and personal property of every kind and character, or any interest therein, for its corporate purposes;

(6) To issue regulations and establish policies for contracting and procurement which are consistent with principles of competitive procurement;

(7) To accept loans, gifts, or grants of money, materials, or property of any kind from the United States, or any agency or instrumentality thereof, or the District, upon terms and conditions as may be imposed upon the Authority to the extent that the terms and conditions are not inconsistent with the limitations and laws of the District and are otherwise within the powers of the Authority;

(8) To borrow money for any of its corporate purposes and to provide for the payment of the same, as may be permitted under the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; § 1-201.01 et seq.), and the laws of the District;

(9) To issue revenue bonds pursuant to § 34-2202.09;

(10) To enter into contracts with the District, the United States, Maryland, or Virginia, or their political subdivisions, other public entities, or private entities for goods and services as needed to achieve its purposes; provided, that prior to the Authority contracting out to a private entity, a service or activity performed by employees of the Authority, through established standards developed by rules and regulations, the Authority shall establish that the contracting out will achieve increased efficiencies and cost savings to the Authority; provided further, that any contractor who is awarded a contract that displaces any District government employee of the Authority shall offer to any displaced employee a right-of-first-refusal to employment by the contractor, in a comparable available position for which the employee is qualified, for at least a 6-month period during which time the employee shall not be discharged without cause. If the employee's performance during the 6-month transition employment period is satisfactory, the new contractor shall offer the employee continued employment under the terms and conditions established by the new contractor. Any District government employee of the Authority who

is displaced as a result of a contract and is hired by the contractor who was awarded the contract which displaced the employee shall be entitled to the benefits provided by the Service Contract Act of 1965, 41 U.S.C. § 351 et seq., notwithstanding any exclusion of applicability of the Service Contract Act of 1965 to the employee;

(11) To establish, adjust, levy, collect, and abate charges for services, facilities, or commodities furnished or supplied by it;

(12) To refund overcharges for services, facilities, or commodities furnished or supplied by it;

(13) To undertake any public project, acquisition, construction, or any other act necessary to carry out its purposes;

(14) To maintain, repair, operate, extend, enlarge, investigate, design, construct, and improve the water distribution and sewage collection, treatment, and disposal systems;

(15) To engage in activities, programs, and projects on its own behalf or, with the concurrence of the Mayor, jointly with other public bodies or political divisions or subdivisions of the District of Columbia;

(16) To provide for the cost of activities, programs, and projects from grants, loans, the proceeds of bonds, or from other revenues available to the Authority for such purposes;

(17) To exercise any power usually possessed by public enterprises or private corporations performing similar functions that is not in conflict with the District of Columbia Home Rule Act [§ 1-201.01 et seq.], or the laws of the District;

(18) To implement all rules, regulations, and laws relating to the distribution of water and sewage collection, treatment, and disposal, other than those laws that impose a penalty of imprisonment;

(19) To shut off water and sewer service, after notice, for good and sufficient cause;

(20) To purchase and distribute potable water to the inhabitants of the District;

(21) To purchase and distribute potable water to other jurisdictions as provided by law;

(22) To develop policies related to the proper use and distribution of water to households and public and private institutions during times of normal consumption and during emergency situations;

(23) To construct water mains and sewers in any street, avenue, road, or alley in the District under conditions as the Mayor may prescribe;

(24) To petition the Mayor to acquire property through eminent domain;

(25) To enter into contracts, including leases and lease-purchase agreements involving real property and personal property;

(26) To indicate in its records the existence and location of sewers and service sewers within its jurisdiction;

(27) To determine whether potable water should be used for mechanical and manufacturing purposes, private fountains, and street and pavement washers;

(28) To privatize the day-to-day operations of the Blue Plains Wastewater Treatment Plant; provided, that the Board of Directors of the Authority submit

its recommendation on the feasibility of privatization pursuant to § 34-2202.05(g)(1) and submits the privatization contract pursuant to § 34-2202.05(g)(2);

(29) To enter into a financing lease, a service agreement or other arrangement for contracted services; obligations with respect to credit facilities; and interest rate swaps, interest rate caps, interest rate floors and any other interest rate-related hedge agreements entered into by the Authority for the purpose of interest rate risk and asset management that may be, but need not be, entered into in conjunction with the issuance of bonds or notes by the Authority;

(30) To do all things necessary or convenient to carry out the powers expressly provided by this chapter;

(31) To determine whether churches, charitable organizations, or institutions that receive annual appropriations from Congress should be furnished with water or sewer service without charge;

(32) To collect and receive its revenues and disburse its necessary and reasonable expenses; and

(33) In collaboration with the Fire and Emergency Medical Services Department, to inspect, repair, and maintain all public fire hydrants, and to ensure that each hydrant will provide adequate flow levels to all locations in the District of Columbia.

(Apr. 18, 1996, D.C. Law 11-111, § 203, 43 DCR 548; Apr. 9, 1997, D.C. Law 11-184, § 202(c), 43 DCR 4265; Apr. 9, 1997, D.C. Law 11-255, § 45, 44 DCR 1271; May 13, 2008, D.C. Law 17-158, § 2, 55 DCR 3709; Sept. 26, 2012, D.C. Law 19-171, § 90(a), 59 DCR 6190.)

Section references. — This section is referenced in § 34-2202.07.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 validated previously made technical corrections.

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 34-2202.06d. Water quality testing.

(a) Beginning in January 2014, the Authority shall conduct testing of the District's drinking water for, at a minimum, regulated contaminants included in the Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems set forth in 40 C.F.R. § 141.40.

(b) After receiving results of each test as required by the United States Environmental Protection Agency, the Authority, within 120 days or when it submits the related report to the Environmental Protection Agency, whichever comes first, shall:

(1) Report to the Mayor the results of each test; and

(2) Make the results available to the public via the Authority's website.

(Apr. 18, 1996, D.C. Law 11-111, § 206d, as added Mar. 19, 2013, D.C. Law 19-240, § 2(b), 59 DCR 14790.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-240 added this section.

Legislative history of Law 19-240. — See note to § 34-2202.01.

§ 34-2202.06e. Water Quality Assurance Advisory Panel.

(a) There is established the Water Quality Assurance Advisory Panel ("Panel") for the purpose of providing information to the public and guidance to the Mayor and the General Manager of the District of Columbia Water and Sewer Authority ("General Manager") on levels of unregulated contaminants in District drinking water and the presence and effects of endocrine disruptor compounds in wastewater effluent. The Panel shall make recommendations regarding the testing and treatment of the District's drinking water and wastewater.

(b) Within 90 days of the completion of one year of unregulated contaminant testing of drinking water and a study on the presence and effects of endocrine disruptor compounds in wastewater effluent, the Panel shall convene a public meeting to discuss the following:

(1) An analysis of the health and environmental impact of unregulated contaminants as tested for a full calendar year pursuant to § 34-2202.06d;

(2) Recommendations for continued monitoring of unregulated contaminants and endocrine disruptor compounds that were tested under §§ 34-2202.06d and 34-2202.06g;

(3) Additional testing for unregulated contaminants and endocrine disruptor compounds not being tested under § 34-2202.06d or § 34-2202.06g;

(4) Recommendations for improving the reduction of unregulated contaminants and endocrine disruptor compounds at their source;

(5) Methods for improving public awareness and education related to unregulated contaminants and endocrine disruptor compounds;

(6) Coordination with regional jurisdictions to improve source water quality;

(7) Information sharing related to treatment alternatives analysis conducted at the Washington Aqueduct;

(8) Treatment alternatives that reduce or eliminate unregulated contaminants in District's drinking water and endocrine disruptor compounds in wastewater effluent; and

(9) Presenting the latest research related to unregulated contaminants and endocrine disruptor compounds regarding their effect on the environment and public health to the public.

(c) Pursuant to Revisions to the Unregulated Contaminant Monitoring Regulation for Public Water Systems set forth in 40 C.F.R. § 141.40, 120 days after the Panel convenes, it shall issue a report to the Mayor and the General Manager summarizing the discussion set forth in subsection (b) of this section and any resulting water quality recommendations. The Panel may convene thereafter to provide the Mayor, the General Manager, and the public with additional recommendations regarding the monitoring and treatment of unregulated contaminants in the District's drinking water.

(d) The report shall be made public on the Authority's website upon submission to the Mayor.

(Apr. 18, 1996, D.C. Law 11-111, § 206e, as added Mar. 19, 2013, D.C. Law 19-240, § 2(b), 59 DCR 14790.)

Section references. — This section is referenced in § 34-2202.06f and § 34-2202.06h.

Effect of amendments. — The 2013 amendment by D.C. Law 19-240 added this section.

Legislative history of Law 19-240. — See note to § 34-2202.01.

§ 34-2202.06f. Composition and organization of the Water Quality Assurance Advisory Panel.

(a) The Panel established under § 34-2202.06e shall be composed of 9 experts who, at a minimum, demonstrate knowledge in at least one of the following professional fields:

(1) Water quality;

(2) Water treatment;

(3) Toxicology;

(4) Public health;

(5) Civil engineering; or

(6) Environmental engineering.

(b) Of the 9 Panel members, one shall be the General Manager or the General Manager's designee, and one shall be a representative from the Washington Aqueduct.

(c) Panel members shall be appointed by the Mayor in consultation with the General Manager and the Council.

(Apr. 18, 1996, D.C. Law 11-111, § 206f, as added Mar. 19, 2013, D.C. Law 19-240, § 2(b), 59 DCR 14790.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-240 added this section.

Legislative history of Law 19-240. — See note to § 34-2202.01.

§ 34-2202.06g. Wastewater study and testing.

(a) By July 1, 2013, the Authority shall initiate a study that tests for the presence of endocrine disruptor compounds in wastewater effluent.

(b) The Authority shall present the findings of the study to the Panel, the General Manager, the Mayor, and the Council within 30 days of the completion of the study.

(c) The Authority shall be required to implement the provisions of this section upon a transfer by the Chief Financial Officer of the District from the unrestricted fund balance of the General Fund of the District of Columbia to the Authority of the funding necessary to implement the provisions of this section.

(d) The District shall effectuate the transfer pursuant to subsection (c) of this section upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

(Apr. 18, 1996, D.C. Law 11-111, § 206g, as added Mar. 19, 2013, D.C. Law 19-240, § 2(b), 59 DCR 14790.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-240 added this section.

Legislative history of Law 19-240. — See note to § 34-2202.01.

§ 34-2202.06h. Continued testing and remediation.

(a) Upon receipt of the report from the Panel set forth in § 34-2202.06e, the General Manager shall create and implement a plan that considers potential remediation options and continued testing for unregulated contaminants and endocrine disruptor compounds in a manner consistent with the recommendations of the Panel's report.

(b) If formal remediation steps cannot be taken for a specific contaminant, the General Manger shall provide evidence of infeasibility of remediation for that contaminant.

(c) The General Manager shall submit the plan to the Mayor and the Council.

(d) The Authority shall be required to implement the provisions of this section upon a transfer by the Chief Financial Officer of the District from the unrestricted fund balance of the General Fund of the District of Columbia to the Authority of the funding necessary to implement the provisions of this section.

(e) The District shall effectuate the transfer pursuant to subsection (d) of this section upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

(Apr. 18, 1996, D.C. Law 11-111, § 206h, as added Mar. 19, 2013, D.C. Law 19-240, § 2(b), 59 DCR 14790.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-240 added this section.

Legislative history of Law 19-240. — See note to § 34-2202.01.

§ 34-2202.14. Procurement system inapplicable.

Except as provided in § 34-2202.17(b), Chapter 3A of Title 2 [§ 2-351.01 et seq.] shall not apply to the Authority.

(Apr. 18, 1996, D.C. Law 11-111, § 214, 43 DCR 548; Sept. 26, 2012, D.C. Law 19-171, § 216(a), 59 DCR 6190.)

Section references. — This section is referenced in § 34-2202.02.

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "Chapter 3A of Title 2" for "§ 2-301.01 et seq."

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376

and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 34-2202.16. Charges and fees and rate setting.

(a) The Authority shall collect and abate charges, fees, assessments, and levies for services, facilities, or commodities furnished or supplied by it.

(b) The Authority shall, following notice and public hearing, establish and adjust retail water and sewer rates. The District members of the Board shall establish the retail water and sewer rates prior to the Board's consideration of the Authority's budget. The water and sewer rates levied by the Authority shall only be a source of revenue for the maintenance of the District's supply of water and sewage systems, and shall constitute a fund exclusively to defray any cost of the Authority.

(b-1)(1) The Authority shall offer financial assistance programs to mitigate the impact of any increases in retail water and sewer rates on low-income residents of the District, including a low-impact design incentive program.

(2) Within 6 months of March 25, 2009, the authority shall provide a report to the Council of the District of Columbia detailing the number of low-income residents affected by increases in retail water and sewer rates and strategies that will significantly increase enrollment in existing discount programs available to low-income ratepayers.

(c) In the absence of applicable standards, charges shall be levied and collected as determined by the Authority in accordance with § 1-204.87(b).

(d) The Authority may impose additional charges and penalties for late payment of bills.

(d-1) The Authority shall collect a stormwater user fee established by the Director of the District Department of the Environment ("Director"), which charge the Director shall establish by rule and may from time to time amend.

(d-2) The fee shall be collected from each property in the District of Columbia, and shall be based on an impervious area assessment of the property.

(d-3) The Mayor shall coordinate the development and implementation of the MS4 stormwater user fee with DC WASA's impervious area surface charge, to ensure that both fee systems employ consistent methodologies.".

(d-4) The Mayor shall offer financial assistance programs to mitigate the impact of any increases in stormwater user fees on low-income residents of the District, and shall evaluate the applicability of similar existing District low-income assistance programs to the stormwater user fee.

(d-5) A landlord shall not pass a stormwater user fee charge to a tenant which is more than the stormwater user fee charge prescribed by the Director.

(d-6) The stormwater user fee shall be the obligation of the property owner. Failure to pay the stormwater user fee shall result in a lien being placed upon the property without further notice to the owner. The Mayor may enforce the lien in the same manner as in § 34-2407.02.

(d-7) Any owner or occupant of a property that is charged a stormwater user fee may contest a stormwater user fee bill rendered for managing stormwater

runoff, according to the same procedures provided to owners or occupants of properties that receive water and sewer services, under § 34-2305.

(e) The Authority is authorized to shut off the water distribution to any building, establishment, or other place upon failure of the owner or occupant thereof to pay the charges, including the storm water fee, within 90 days from the date of rendition of the bill.

(Apr. 18, 1996, D.C. Law 11-111, § 216, 43 DCR 548; June 9, 2001, D.C. Law 13-311, § 2(d), 48 DCR 3512; Aug. 16, 2008, D.C. Law 17-219, § 6009, 55 DCR 7598; Mar. 25, 2009, D.C. Law 17-370, § 3(b), 56 DCR 1350; Mar. 25, 2009, D.C. Law 17-371, § 3(c), 56 DCR; Sept. 26, 2012, D.C. Law 19-171, § 90(b), 59 DCR 6190.)

Section references. — This section is referenced in § 8-152.03 and § 34-2202.19.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction in (d-5).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 34-2202.17. Transition provisions.

(a) Until the initial meeting of the Board, but for not longer than 180 days from April 18, 1996, the existing management structure of the Water and Sewer Utility Administration, Department of Public Works shall serve as the operator of the Authority, thereafter, the Water and Sewer Utility Administration of the Department of Public Works shall be abolished.

(b) Until the Board establishes a personnel system and a procurement system, and until rules and regulations pertaining to the Board's duties have been promulgated, Chapter 3A of Title 2 [§ 2-351.01 et seq.] and § 1-601.01 et seq., and implementing rules and regulations shall continue to apply to the Authority.

(c) The administration of payroll services and personnel services, including benefits administration, shall be provided to the Authority by the Office of Pay and Retirement and the District of Columbia Office of Personnel at a negotiated fee. These services may be terminated by the Authority upon written notice to each provider.

(d) All collective bargaining agreements shall remain in effect until they expire, or until they are renegotiated by the Authority, whichever comes first, unless otherwise agreed upon by the parties to the collective bargaining agreements.

(e) The Treasurer of the District of Columbia shall collect retail water and sewer payments on the Authority's behalf until the Authority notifies the Treasurer that an independent collection system has been established and that retail water and sewer customers have been notified of any changes in payment procedures. Water and sewer payments collected by the Treasurer shall be expeditiously deposited into the Fund and shall not be commingled with the Cash Management Pool, the General Fund, or any other funds or

accounts of the District of Columbia, except that payments made to District cashiers may be deposited directly into a District disbursement account until the Authority notifies the Treasurer that an independent disbursement system has been established. Dedicated revenues received by the District Treasurer shall be subject to any pledge of the Authority as if deposited into the Fund.

(f) The Treasurer of the District of Columbia is authorized to transfer funds from the Fund to a District disbursement account in order to pay the necessary and reasonable expenses of the Authority until the Authority notifies the Treasurer that an independent disbursement system has been established.

(Apr. 18, 1996, D.C. Law 11-111, § 217, 43 DCR 548; Apr. 9, 1997, D.C. Law 11-184, § 202(l), 43 DCR 4265; Sept. 26, 2012, D.C. Law 19-171, § 216(b), 59 DCR 6190.)

Section references. — This section is referenced in § 34-2202.07, § 34-2202.14, and § 34-2202.15.

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted "Chapter 3A of Title 2" for "§ 2-301.01 et seq." in (b).

Legislative history of Law 19-171. — Law 19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

CHAPTER 24. WATER SUPPLY, ASSESSMENTS, AND RATES.

Subchapter IV. Discontinuance of Service.

§ 34-2407.01. Discontinuance of water service for failure to pay water charges.

Section references. — This section is referenced in § 34-2110, § 34-2407.02, and § 34-2407.03.

CASE NOTES

In general.

The obligation to pay fees owed to the Water and Sewer Authority (WASA) resided with owner of apartment building when tenants failed to pay their water bills, though owner had installed water meters in each apartment and WASA had been billing tenants directly, and WASA was authorized to file a lien on the building when owner refused to pay amounts that had been overdue for more than 60 days; governing statute focused on the owner of the property where water services were rendered and not the individual tenant who received the bill, and procedures for tenant billing were a compliment for an owner's ultimate obligation. Euclid St., LLC v. D.C. Water & Sewer Auth., 41 A.3d 453, 2012 D.C. App. LEXIS 142 (2012).

§ 34-2407.02. Lien for water charges.

Section references. — This section is referenced in § 2-1215.15, § 6-1503, § 8-152.03, § 34-2109, § 34-2110, § 34-2202.16, § 34-2202.19, § 34-2403.03, § 34-2407.03, § 34-2410.03, § 47-1052, § 47-1303, § 47-1304, § 47-1306, § 47-1307, and § 47-1312.

CASE NOTES

Persons liable.

The obligation to pay fees owed to the Water and Sewer Authority (WASA) resided with owner of apartment building when tenants failed to pay their water bills, though owner had installed water meters in each apartment and WASA had been billing tenants directly, and WASA was authorized to file a lien on the building when owner refused to pay amounts that had been overdue for more than 60 days; governing statute focused on the owner of the property where water services were rendered and not the individual tenant who received the bill, and procedures for tenant billing were a compliment for an owner's ultimate obligation. Euclid St., LLC v. D.C. Water & Sewer Auth., 41 A.3d 453, 2012 D.C. App. LEXIS 142 (2012).